

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

WILLIE MARY MILLER,
Plaintiff,

vs.

CAROLYN W. COLVIN,
ACTING COMMISSIONER OF SOCIAL
SECURITY ADMINISTRATION,
Defendant.

Case No. 2:13-cv-01585-RCJ-CWH

ORDER

This matter was referred to the undersigned Magistrate Judge on Plaintiff's Application for Leave to Proceed *In Forma Pauperis* (#1), filed on August 30, 2013.

Pursuant to 28 U.S.C. § 1914(a), a filing fee of \$350.00 is required to commence a civil action in federal district court in addition to a new \$50 administrative fee, effective May 1, 2013, for a total of \$400. The court may authorize the commencement of an action "without prepayment of fees and costs or security therefor, by a person who makes affidavit that [s]he is unable to pay such costs or give security therefore." 28 U.S.C. § 1915(a).

Plaintiff submitted the affidavit required by § 1915(a) to show that she is unable to prepay fees and costs or give security for them. In Plaintiff's Application to Proceed *In Forma Pauperis*, Plaintiff reports that she receives \$361 in Social Security Retirement Benefits per month and has \$3 in cash or a checking or savings account. Additionally, Plaintiff indicates that her total amount of debt is none, has no dependants, and monthly expenses are \$254 per month. The Court finds that Plaintiffs' Application is incomplete. She failed to provide the Court with any information regarding her housing and food expenses. As a result, the Court cannot determine whether Plaintiff is eligible to proceed *in forma pauperis*. Plaintiff's Motion/Application shall be denied without prejudice and she will be given thirty (30) days to submit a second, completed application along with a complaint.

1 Having concluded that Plaintiff is not entitled at this time to proceed *in forma pauperis*, the
2 Court need not screen the complaint under 28 U.S.C. § 1915(e)(2)(B), which requires the dismissal of
3 the case at any time if the Court determines that it is frivolous or malicious or fails to state a claim upon
4 which relief can be granted or seeks monetary relief against a defendant who is immune from such
5 relief.

6 Based on the foregoing and good cause appearing therefore,

7 **IT IS HEREBY ORDERED** that Plaintiff's Motion/Application to Proceed *In Forma Pauperis*
8 (#1) is **denied without prejudice**.

9 **IT IS FURTHER ORDERED** that Plaintiff shall have until **Thursday, October 3, 2013** to file
10 a new, completed Application to Proceed *In Forma Pauperis* along with a complaint. In the alternative,
11 Plaintiff may make the necessary arrangements to pay the filing fee of four hundred dollars (\$400)
12 accompanied by a copy of this Order. Failure to comply with this Order will result in a
13 recommendation to the District Judge that this action be dismissed.

14 Dated this 2nd day of September, 2013.

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18 **C.W. Hoffman, Jr.**
19 **United States Magistrate Judge**
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